

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Eiji NATORI

Group Art Unit: 2822

Application No.: 09/819,687

Examiner: V. Russell

Filed: March 29, 2001

Docket No.: 109121

For: METHOD AND DEVICE FOR MANUFACTURING CERAMICS,
SEMICONDUCTOR DEVICE, AND PIEZOELECTRIC DEVICE

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RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In reply to the Restriction Requirement mailed April 11, 2002, Applicant provisionally elects Group I, claims 1-40, with traverse.

The Restriction Requirement asserts that Group I is related to Group II as process of making and product made. However, no reasons have been given as to why the invention of Group I is distinct or independent from the invention of Group II. In addition, Applicants submit that Groups I and II are more properly related as a process and apparatus for practicing the process. Thus, Applicant respectfully submits that the Restriction Requirement between Group I and Group II is improper and should be withdrawn.

According to MPEP §803, there are two requirements that must be met before a proper Restriction Requirement may be made. These two requirements are: "Inventions must be independent...or distinct as claimed; and there must be a serious burden on the Examiner if restriction is not required..." (emphasis added). Applicant respectfully submits that the Office Action has failed to establish the second requirement as set forth in MPEP

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§803, that a serious burden exists on the Examiner if restriction is not required between the Groups I and II.

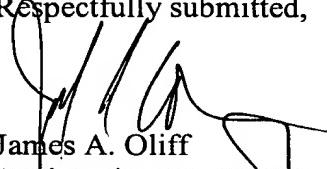
In the present application, Applicant respectfully submits that a proper search of the claims of Group I would require a search of the claims of Group II, since references drawn to the process of fabricating ceramics would also describe the apparatus of Group II. Accordingly, a search and examination of the subject matter of Group I would encompass a search for subject matter of Group II, and any additional search would not impose a serious burden upon the Examiner.

Additionally, Groups III and IV are both products produced by the process of Group I. No reasons for restriction between Group I and either or both of Groups III and IV are set forth. As such, Applicants submit that a proper search of the claims of Group I would likewise uncover references describing the products of Groups III and IV. It is therefore respectfully asserted that the search and examination of at least Groups I, II and III could be made without serious burden.

MPEP §803 states that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions" (emphasis added). Because Applicant has elected Group I directed to a window system, the further search and examination of Group II directed to a double glazing unit, would not place a serious burden upon the Examiner.

For at least these reasons, and in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office, it is respectfully requested that the Restriction Requirement be reconsidered and withdrawn.

Respectfully submitted,


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JAO:SXT/amw

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